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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,894	09/20/2000	Wolfgang Bachmann	Westphal.5754	6825

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EXAMINER

DABNEY, PHYLESHA LARVINIA

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 10/08/2002

?

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/665,894	BACHMANN ET AL.
	Examiner Phylesha L Dabney	Art Unit 2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 September 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,5,6,9-15 and 17-18 is/are rejected.
- 7) Claim(s) 2-4,8,16 and 19 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 9/20/00 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

This action is in response to the application filed on 20 September 2000 in which claims 1-19 are pending.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "criss-cross veneers" of claim 6 and "...core separated by front and rear...panels" of claim 19 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 19 is objected to because of the following informalities: The acoustic core is not separated by the front and rear panels; instead, the core is located in between the two panels. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 10-11, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Azima et al (U.S. Patent No. 6,377,695).

Regarding claims 10-11 and 19, Azima '695 discloses a door leaf (1, 5; col. 7, lines 12-14) comprising front and rear parallel cover panels (8) that sandwich a sandwich core (9, 11) that includes a recess (figs. 2-9) within which a transducer (6) receives an input signal and excites the multimodal resonance radiator created by the front cover panel and core into an acoustic output.

indep. Claims 10, 19, Amended to depend on cl. 11

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5-7, 9, 12-15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azima et al (U.S. Patent No. 6,377,695) in view of Azima et al (U.S. Patent No. 6,332,029).

Regarding claims 1, 6, Azima '695 teaches a door leaf (1, 5; col. 7, lines 12-14) with a front and rear cover panels (8) with at least one transducer (6) mounted therein, wherein the door leaf acts as a loudspeaker and includes a stiff, light structural part that maintains fed-in vibrational energy and by flexural waves propagates this energy in at least one active surface perpendicular to its thickness to distribute resonance mode vibration components over at least one surface, which has specified, preferred locations or sites within it for transducer devices, which are entirely and exclusively affixed on the structural part at one of the locations or sites to set the structural part into vibration and to allow it to resonate, thus creating an acoustic radiator that delivers an acoustic output signal when it vibrates in resonance, the front and/or rear cover panel of the door leaf being part of the stiff, light structural component. Although Azima '695 teaches the door leaf being used as a door lining in a vehicle, Azima '695 does not teach the specifics of a door comprising a door frame or door leaf. Azima '029 teaches a door (140; figs. 38-39) for a vehicle including a space for a door leaf (81) to eliminate the need bulky pistonic speakers. Since Azima '029 teaches a door for a vehicle then it is inherent for a door frame to be present and hinges to be applied between the door and door frame for opening and closing the door of the vehicle. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the door leaf of Azima '695 to be included in the door of Azima '029 and positioned in the vehicle door frame to eliminate the need for bulky pistonic speakers.

C1. Cancelled

Regarding claim 5, the combination of the Azima references teaches a flexible, damping support element (Azima '695; 9, 11) situated between the front and rear cover panel.

Regarding claims 7 and 18, the combination of the Azima references do not specifically teach the front and rear cover panels including multi-layer pinewood veneer. However, Azima '029 teaches making the panels of plastic materials including bonded paper laminates (col. 24 lines 8-24). It is known in the art for paper laminates to include oak, pine, etc., wood byproducts reinforced with phenolic materials to provide lightness and stiffness to a particular product, such as vehicle paneling. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use pinewood veneer materials in the panels of the Azima combination for lightness, stiffness, and aesthetic appeal for the vehicle paneling. Furthermore, it has been held that the mere duplication of essential working parts, such as the pinewood veneer, of a device involves routine skill in the art (St. Regis Paper Co. v. Bemis Co., 193 USPQ 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include multiple layers of the pinewood veneer in the Azima combination to increase stiffness.

Regarding claims 9 and 17, the combination of the Azima references teaches a clamping device (Azima '695; 16) that maintains at least one of the cover panels under an adjustable tension.

Regarding claim 12, the combination of the Azima references teach using any type of exciter taught in Azima '029 including a piezoelectric driver (Azima '695; col. 4 lines 6-13 and Azima '029; col. 4 lines 51-59).

Regarding claims 13-15, the combination of the Azima references teach using panel and core material as taught by Azima '029 (Azima '695; col. 24, lines 23-32) including the acoustic sandwich core comprising nomex or aluminum honeycomb (Azima '029; col. 24 lines 48-53), or high resistance foam (Azima '029; col. 24 lines 1-7 and col. 24 lines 48-62).

Allowable Subject Matter

5. Claims 2-4, 8, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L Dabney whose telephone number is 703-306-5415. The examiner can normally be reached on Mondays, Tuesdays, Wednesdays, Fridays 8:30-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

Art Unit: 2643

(703) 872-9314, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

(703) 306-0377, for customer service questions.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor Receptionist).

PLD

September 22, 2002


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
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